

The Informal and Formal Complaint Systems

There are two categories of the complaints process: the *informal* (pre-complaint) process, and the *formal* complaint process. Each category is described below.

The Informal (Pre-complaint) Process

The informal pre-complaint process provides procedures by which USDA processes all contacts by employees, former employees, and applicants who feel that they have suffered in their employment or non-selection because of discrimination, including sexual harassment. The informal pre-complaint process is part of the Counseling, Mediation, and Complaints Program within USDA.

When an employee deems it necessary, he or she may contact a USDA EEO Counselor/Mediator to resolve the situation. If he or she desires to remain anonymous, the employee can tell the Counselor/Mediator that is what he/she wants. The Counselor/Mediator will make a confidential record of the pre-complaint and discuss ways to remedy the problem with the employee.

An employee or applicant who believes that he or she has been discriminated against because of his/her protected class may file a complaint of discrimination **within 45 days** of the alleged discriminatory incident, or of reasonably learning of the possible discriminatory nature of the incident.

It is not the Counselor/Mediator's role to accept or reject complaints, nor does the Counselor/Mediator judge a complaint's validity. If the complainant believes he/she has been discriminated against, the Counselor/Mediator has the responsibility to counsel the aggrieved person.

Employees who make an allegation of discrimination must first contact an EEO Counselor/Mediator to attempt to informally resolve the matter. Employees have a responsibility to cooperate fully with the EEO Counselor during this stage of the complaint process.

The Formal Complaint Process

If an allegation of sexual harassment has not been resolved in the informal process, then a formal complaint may be initiated.

Formal procedures concentrate on investigation and sanctions.

If an employee decides to initiate an informal or a formal complaint, it is helpful to have some evidence to support the claim (eg. records kept describing the incidents, a copy of a letter sent to the harasser to stop).

Complainant's Rights

During the counseling and formal stages of the discrimination complaint process, the complainant has the right to:

- ! use a reasonable amount of official time to prepare and present the complaint
- ! be represented by a party of his/her own choosing
- ! pursue the complaint free from reprisal, retaliation, coercion, restraint, or interference.

The next page contains a diagram of the complaints process system (including important time frames for each step).

